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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,220	01/26/2006	Christine Linke	2003P01144WOU'S	3728

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BSH HOME APPLIANCES CORPORATION
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EXAMINER

WILKENS, JANET MARIE

ART UNIT

PAPER NUMBER

3637

NOTIFICATION DATE

DELIVERY MODE

12/18/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary

Application No.

10/566,220

Applicant(s)

LINKE ET AL.

Examiner

Janet M. Wilkens

Art Unit

3637

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19, 21-25, 27-29 and 31-37 is/are rejected.
- 7) ☒ Claim(s) 20, 26 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 14, 2009 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19, 21-25, 27, 28, and 31-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (2,385,961). Anderson teaches a refrigerator (Fig. 1) comprising: a housing (1,7) having at least two housing parts, including a body (1) and at least one door (7) hinged to the body; the housing enclosing a heat-insulated interior compartment; the housing having a door safety catch (see Fig. 3) including a catch element (38,28,35) with two sloping faces (on 35 adjacent 38) pivotably mounted against a restoring force (spring 34,40) on a first housing part (the door and its features) and a projection (4-6) with two sloping faces (on 5 and 6) mounted on a second housing part (the body) cooperating with the catch element; and a shaft (27) about which the catch element can be pivoted mounted in the first housing part while crossing a side

wall (top wall 24 or top wall of the door) of the first housing part. The catch element is located in the housing (in housing 24-26 of the first housing part/door and in the door housing) and also the projection is fixed on a door bearing (3). Furthermore, a section of said shaft (top end portion) engages a side wall (24) of the first housing part via a receiving portion (opening).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Parera (3,733,749). As stated above, Anderson teaches the limitations of claims 19 and 27, including a door, housing, hinges and safety catch. For claim 29, Anderson fails to teach that the hinges and safety catch between the door and housing can be reversed. Parera teaches reversible hinges between a housing and door (Figs. 5 and 6). It would have been obvious to one having ordinary skill in the art at the time of the invention to reverse the hinge arrangement and therefore also the safety catch arrangement of Anderson, such as is taught by Parera, depending on the desired need on the person using the housing, e.g. depending on the housing and door's position in the room in which they are located (in which way would it be practical to have the door open), personal preferences, etc.

Allowable Subject Matter

Claims 20, 26 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed August 24, 2009 have been fully considered but they are not persuasive.

Addressing the arguments concerning the reference of Anderson'961: the examiner contends that Anderson'961 teaches all of the limitations set forth in the claims, including a catch element (38,28,35) with a shaft (27) about which the catch element can be pivoted and that is mounted in a first housing part (the door) while crossing a side wall (top wall 24 found in the door and top wall of door) of the first housing part. Namely, the catch element is rotated so that it moves across the surfaces of members 24 and the top of the door. Note: It is the catch element that moves across the side wall and not the shaft as stated in the arguments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Shriver can be reached on (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Janet M. Wilkens/
Primary Examiner, Art Unit 3637

Wilkens
December 15, 2009